

BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING
adoption of New Rules I through)	ON PROPOSED ADOPTION,
XIII, amendment of ARM)	AMENDMENT, AND REPEAL
10.102.1151, 10.102.1152,)	
10.102.1153, 10.102.1154, and)	
10.102.1156, and the repeal of)	
ARM 10.102.1150 pertaining to)	
public library standards)	

TO: All Concerned Persons

1. On January 11, 2006, at 2:00 p.m., a public hearing will be held in the conference room of the Montana State Library, at 1515 East 6th Ave., Helena, Montana to consider the proposed adoption, amendment, and repeal of the above-stated rules.

2. The State Library will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the State Library no later than 5:00 p.m. on January 4, 2006, to advise us of the nature of the accommodation that you need. Please contact Julie Stewart, Montana State Library, 1515 East 6th Ave., P.O. Box 201800, Helena, MT 59620-1800, phone (406) 444-3384, TDD (406) 444-3005, fax (406) 444-0266, or email jstewart2@mt.gov.

3. The rules proposed to be adopted provide as follows:

RULE I PUBLIC LIBRARY STANDARDS: GENERAL (1) Public libraries receiving state payments must meet the following essential standards by July 2007 and each year following.

(2) General essential standards for public libraries are as follows:

(a) The library is established under Montana's laws according to 22-1-301 through 22-1-317, 22-1-701 through 22-1-1711, or Title 7, MCA.

(b) The board conforms to all applicable state, local, and federal laws, rules, and regulations.

(c) Monthly, or at least quarterly, library board meetings are held in an accessible location at times and a place convenient to the public and according to state laws on public meetings.

(d) The library submits the Montana Public Library Annual Statistical Report to the Montana state library.

(3) General enhanced standards for public libraries are as follows:

(a) In order for the board to be knowledgeable about current library issues, new board members receive an orientation by the library director and/or others.

(b) On an annual basis, board members report on how they have promoted and supported the library, its programs, and services.

(c) Library board meetings are held every other month.

(4) General excellent standards for public libraries are as follows:

(a) The library provides for continuing education for its trustees by allocating funds to support continuing education costs, including travel expenses.

(b) At least two members of the library board will attend a regional or statewide library related activity each year.

(c) Board members will discuss library issues with local government officials at least twice a year, and state and/or national government officials at least once a year.

(d) Every three years, the board will review, evaluate, and compare its own governance structure with different governance structures for the library. This includes districting, county library systems, etc.

(e) At least three library board members join any professional library association and dues are paid by the library.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE II PUBLIC LIBRARY STANDARDS: POLICIES AND BYLAWS

(1) General essential standards for public libraries are as follows:

(a) Every three years, the board reviews and updates its bylaws as necessary.

(b) The board develops, studies, evaluates, reviews, updates, and adopts as necessary all library policies at least once every three years. When the board reviews library policies, the policies' effect on the library's relations with the public are evaluated.

(c) The public must have easy access to written policies, procedures, and bylaws.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE III PUBLIC LIBRARY STANDARDS: PLANNING AND EVALUATION (1) General essential standards for public libraries are as follows:

(a) The board uses the Montana Public Library Annual Statistical Report to review the library's year-to-year progress and performance.

(b) The library must have a written mission statement.

(c) The library governing authority adopts emergency response plans that ensure the safety of the public and staff as the primary priority.

(2) General enhanced standards for public libraries are as

follows:

(a) The library has a written three to five year long-range plan, and reviews it annually. The long-range plan addresses services, facilities, public relations, technology, etc.

(b) The board evaluates the library's performance against the stated objectives in the long-range plan.

(c) The library must have a vision statement.

(3) General excellent standards for public libraries are as follows:

(a) Community representatives, the board, and the director develop a long-range plan for the library.

(b) At least every five years, the library conducts community studies and makes use of other needs assessment techniques to ensure community participation in the design and delivery of library service.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE IV PUBLIC LIBRARY STANDARDS: FINANCE (1) General essential standards for public libraries are as follows:

(a) The board and the director follow fiscal procedures consistent with state law and local government requirements in preparing, presenting, and administering its budget.

(b) Local tax revenues provide at least 50% of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support.

(c) The director works with the board to develop an annual financial plan or budget.

(d) The board and the director annually review the adequacy of insurance coverage for the collection and building, and update the coverage as necessary.

(2) General enhanced standards for public libraries are as follows:

(a) The library sets aside money in a depreciation fund to meet requirements for capital expenditures.

(b) Local tax revenues provide at least 60% of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support.

(3) General excellent standards for public libraries are as follows:

(a) The library has established a foundation or endowment.

(b) The foundation board and/or the library board develops a plan for planned giving.

(c) The foundation board and/or the library board establishes a policy regarding the acceptance of gifts of real and personal property, endowment funds, and planned giving.

(d) The library has a Friends of the Library organization.

(e) Local tax revenues provide at least 70% of the support for the library. Grants, donations, and other revenue sources supplement but do not supplant local tax support.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE V HUMAN RESOURCES STANDARDS: LIBRARY DIRECTOR

(1) General essential standards for public libraries are as follows:

(a) The board hires the director according to local, state, and federal regulations and delegates the day-to-day management of the library to the director.

(b) The board evaluates the performance of the director annually.

(c) Each public library has a paid director who is responsible for the administration of library services.

(d) Libraries that serve more than 25,000 people employ a library director with a graduate degree in library or information science or its equivalent.

(e) Libraries that serve less than 25,000 people employ a library director who is or will be within three years of hire certified by the state library.

(2) General enhanced standards for public libraries are as follows:

(a) The director conducts a formal performance appraisal of each staff member at least annually.

(b) The library director informs the board of pending legislation that affects libraries on the local, state, and national levels.

(c) The library director reviews and updates procedures every three years.

(d) The library director must join the state library association.

(3) General excellent standards for public libraries are as follows:

(a) The library director provides a climate that encourages development of innovative programs and projects by providing at least three informal staff discussions about innovative programs or opportunities.

(b) The director keeps the community and funding officials aware of the library's purpose, planning, and services through the use of newspaper articles, websites, radio programs, attending meetings, etc.

(c) The director forms collaborative partnerships with other agencies and organizations in the library's service area.

(d) Libraries that serve less than 25,000 people employ a library director who has an AA/AS or higher degree.

(e) In addition to the library director's annual evaluation, the library director is evaluated every three years by the board with the input of staff, library users, and/or library nonusers.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE VI HUMAN RESOURCES STANDARDS: GENERAL (1) General essential standards for public libraries are as follows:

(a) The library board provides continuing education for the director and staff members by allocating funds to support continuing education costs, including travel expense and salary.

(b) Paid staff persons are present during 90% of all open hours.

(c) The board must adopt and review a personnel policy every three years.

(d) The library maintains written, up-to-date job descriptions.

(e) All libraries must have internet access for staff.

(2) General enhanced standards for public libraries are as follows:

(a) Volunteer programs have written policies, procedures, and job descriptions.

(b) Every staff member attends at least one continuing education eligible training program per year.

(c) Appropriate library staff have e-mail accounts available for communication and professional development.

(d) There is at least one personal computer for staff use only.

(3) General excellent standards for public libraries are as follows:

(a) Regardless of population, total library staff is not less than one full-time employee.

(b) The library board encourages and supports staff involvement in community organizations and activities.

(c) Employees have access to health insurance and retirement through the public library.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE VII HUMAN RESOURCES STANDARDS: ACCESS (1) General essential standards for public libraries are as follows:

(a) The board and the director determine the days of the week and the hours during the day to be open to provide maximum service.

(b) The library is open during the week at least the following minimum hours. Many libraries exceed this minimum because the community, the board, and the director recognize that the number of hours of public service leads to greater use by the public. A library with more than one service outlet may use the total nonoverlapping hours of all outlets to meet the minimum requirement.

Population	Minimum	Desirable
less than 3,500	15	25-40
more than 3,500	30	40-50
more than 10,000	40	50-60
more than 25,000	50	60+

(c) Library users who wish to copy materials available from noncirculating items or from computer files must have access to a photocopy machine or printer.

(d) The library must have a telephone and answer telephone inquiries.

(e) The library must provide access to resources and services for patrons with disabilities.

(2) General enhanced standards for public libraries are as follows:

(a) Library customers are able to access library information from remote locations.

(b) When necessary, the library refers customers to other places to fulfill the customer's information needs.

(3) General excellent standards for public libraries are as follows:

(a) The library provides appropriate access to library services for specialized populations, including, but not limited to, the homebound, the institutionalized, and non-English speaking populations.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE VIII MATERIALS AND COLLECTIONS STANDARDS: COLLECTION DEVELOPMENT (1) General essential standards for public libraries are as follows:

(a) The board adopts a collection management policy that it reviews every three years. The policy addresses the use of electronic resources. The library submits its collection development policy to the Montana state library.

(b) The board and the director develop an annual materials budget as part of the library budget.

(c) The library uses at least one professionally recognized review source.

(d) The library provides access to federal, state, and local government documents that are appropriate to its community.

(2) General enhanced standards for public libraries are as follows:

(a) The library cooperates with other community institutions to plan and implement access to electronic resources.

(b) The library provides access to materials for those with disabilities and others who may have special needs.

(c) The library is on the collection management honor roll.

(3) General excellent standards for public libraries are as follows:

(a) The library cooperates with other local and regional libraries in collection development to provide a wide range of materials in a variety of formats to meet the needs of the community.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE IX PUBLIC LIBRARY STANDARDS: ACCESS TO THE COLLECTION (1) General essential standards for public libraries are as follows:

(a) Materials are purchased to ensure a steady flow of materials for the public.

(b) The library catalogs and organizes its collection according to standard cataloging and classification systems and procedures. Automated records comply with the machine-readable catalog (MARC) format.

(c) The library offers interlibrary loan and follows the Montana state interlibrary loan protocols.

(2) General enhanced standards for public libraries are as follows:

(a) The library uses an online interlibrary loan system.

(b) The library has an automated system for circulation, cataloging, and public access catalogs that has reporting features and supports MARC records.

(3) General excellent standards for public libraries are as follows:

(a) The library collection is available online.

(b) The library, if appropriate, has joined a shared integrated library system, also known as a shared catalog.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE X PUBLIC LIBRARY STANDARDS: COLLECTION EVALUATION

(1) General essential standards for public libraries are as follows:

(a) The library's collection is continually evaluated based on the library's collection management policy. The entire collection is evaluated within each three-year period.

(2) General enhanced standards for public libraries are as follows:

(a) The library monitors the use of the collection through analyzing statistical information, including circulation per capita and the collection's turnover rate.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE XI PUBLIC LIBRARY FACILITIES STANDARDS (1) General essential standards for public libraries are as follows:

(a) The board and the director evaluate the library building every three years to determine adequate space needs.

(b) The board and the director address any identified facility shortcomings in a building plan.

- (c) The library facility is safe for the public and staff.
- (d) The library's facilities conform to local requirements for accessibility.

(2) General enhanced standards for public libraries are as follows:

(a) The library has an exterior sign visible from the nearest roadway that identifies it as the library.

(b) The library has a public meeting area available.

(c) The library facility is evaluated for accessibility.

(3) General excellent standards for public libraries are as follows:

(a) The library has adequate, well-lit parking.

(b) The library's facilities conform to federal requirements for accessibility.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

RULE XII PUBLIC LIBRARY PUBLIC RELATIONS STANDARDS

(1) General essential standards for public libraries are as follows:

(a) The library cooperates in state, regional, and national efforts to promote library services.

(b) The library uses basic PR/marketing tools such as brochures, flyers, bookmarks, newspaper, radio, TV, public service outlets, websites, story times, displays, and programs in the library.

(2) General enhanced standards for public libraries are as follows:

(a) The library targets special groups within the community for programs or services (seniors, ethnic populations, etc.)

(b) Funds are budgeted for publicity either by the library and/or the Friends of the Library.

(c) Staff and board are encouraged to bring the library's message to the community at appropriate venues.

(3) General excellent standards for public libraries are as follows:

(a) The library allocates funds for public relations, has a community awareness program, and actively promotes its mission.

(b) The library conducts a community assessment to evaluate the library's marketing efforts.

(c) The library establishes or works with existing community advisory groups to encourage community involvement and improve service. Examples of such groups include youth, seniors, genealogy, local history, and other identified segments of the population.

(d) The library has a Friends of the Library organization.

(e) The library maintains an up-to-date webpage.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-

330, 22-1-331, MCA

RULE XIII PUBLIC LIBRARY SERVICES STANDARDS (1) General essential standards for public libraries are as follows:

(a) On an annual survey, library customers indicate that they have received courteous and helpful service from all library staff.

(b) The library uses comparative statistics, annual surveys, or other methods to evaluate the services offered.

(c) The library offers programming for children and adults.

(d) The library has policies and/or procedures for services provided.

(e) The Library programming is free and open to all.

(f) The library must make every effort to maintain confidentiality of library records as addressed in 22-1-1103, MCA.

(g) Core library services as defined by the local community and library are provided all hours the library is open. Examples include lending circulating materials, reference, and interlibrary loan.

(2) General enhanced standards for public libraries are as follows:

(a) The library provides information about the community to customers.

(b) The library offers programming for children, adults, and young adults.

(c) The library offers or makes patrons aware of virtual reference services.

(3) General excellent standards for public libraries are as follows:

(a) The library collaborates with other community organizations and educational institutions to promote library services.

(b) The library provides library outreach services.

(c) The library has a Friends of the Library organization.

(d) The library has wireless internet access for patrons.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

4. The rules proposed to be amended provide as follows, deleted material interlined, new material underlined:

10.102.1151 CERTIFICATION STATEMENT (1) The Montana state library will send a certification statement to public libraries each fiscal year.

(a) This statement will provide for a status report regarding each essential standard and will require the signature of the library director and the library board chair.

(b) The signed and dated certification statement will be returned to the state library by ~~August 25th~~ July 25th of each year.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

10.102.1152 DEFERRALS (1) Any library may request a waiver from the state librarian in writing by ~~August 25th~~ July 25th of each year.

(a) The state librarian may grant a waiver of any of the standards in ARM ~~10.102.1150~~ [NEW RULE V] if:

(i) through (b) remain the same.

(c) Any library may request a one-year extension of the waiver from the state librarian in writing by ~~August 25th~~ July 25th of each year. The library shall provide the state librarian with an updated compliance plan and a statement that the application of the standard will cause a hardship.

(d) remains the same.

(e) Any library that employs a director without a graduate degree in library or information science or its equivalent as of July 1, 2001 is exempt from ARM ~~10.102.1150(1)(e)~~ [NEW RULE V].

AUTH: 22-1-103, MCA

IMP: 22-1-103, MC

10.102.1153 FINAL ARBITER (1) For any questions arising because of ARM ~~10.102.1150~~ 10.102.1151, 10.102.1152, 10.102.1154 through 10.102.1157, [NEW RULES I through XIII], the final arbiter is the state library commission.

AUTH: 22-1-103, MCA

IMP: 22-1-103, MCA

10.102.1154 APPEALS PROCESS (1) remains the same.

(a) Any public library shall have the right to appeal. The request for the appeal shall be made to the State Librarian at P. O. Box 201800, Helena, MT 59620-1800 ~~(406 444-3115)~~ ((406) 444-3115) within 12 working days of the receipt of the letter denying payment.

(b) through (f) remain the same.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-3-330, 22-1-331, MCA

10.102.1156 EFFECTIVE DATE (1) In order to give all public libraries time to meet these standards, ARM ~~10.102.1150 through 10.102.1157~~ [NEW RULES I through XIII] will become effective on ~~July 1, 2001~~ July 1, 2006.

(2) The effective date for certification requirement of ARM ~~10.102.1150(1)(d)~~, [NEW RULES I through XIII] is ~~July 1, 2002~~ July 1, 2007.

AUTH: 22-1-103, MCA

IMP: 22-1-103, MCA

5. The rule proposed to be repealed provides as follows:

10.102.1150 PUBLIC LIBRARY STANDARDS found on page 10-1225 of the Administrative Rules of Montana.

AUTH: 22-1-103, MCA

IMP: 22-1-103, 22-1-326, 22-1-327, 22-1-328, 22-1-329, 22-1-330, 22-1-331, MCA

6. The repeal, adoption and amendment are proposed for the following reasons:

(a) The standards are the result of a cooperative project between the Montana state library (MSL) and the Montana library association (MLA) public library division.

(b) Together, MSL and MLA reviewed the 1999 edition of the standards and identified concerns and issues to be addressed in an updated edition.

(c) The joint committee debated each issue through in-person, e-mail, and telephone conversations.

(d) The Montana state library commission approved the Montana public library standards in February 2005.

(e) The commission, MSL staff, and the public library division hope that library staff and trustees find these standards helpful as they plan for the improvement of local library services.

(f) In particular, we intend that these standards:

(i) provide a tool to assess the quality and effectiveness of the library;

(ii) help each library determine areas to improve;

(iii) aid each library in taking an active role to gain maximum community support;

(iv) provide a basis for collecting useful statistics for planning and evaluation; and

(v) provide for additional accountability in the use of state aid monies in Montana libraries.

7. Interested persons may submit their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Julie Stewart, Montana State Library, 1515 East 6th Ave., P.O. Box 201800, Helena, MT 59620-1800 no later than 5:00 p.m. on January 19, 2006. Data, views or arguments may also be submitted by facsimile to (406) 444-0266 or by email to jstewart2@mt.gov.

8. An electronic copy of this Notice of Public Hearing is available through the State Library's website at <http://msl.mt.gov>. The State Library strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although

the State Library strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the email address do not excuse late submission of comments.

9. Darlene Staffeldt, State Librarian, has been designated to preside over and conduct this hearing.

10. The Montana State Library maintains a list of persons who wish to receive notices of rulemaking actions proposed by the State Library. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding State Library administrative rulemaking proceedings or other administrative proceedings. Such written requests may be mailed to Julie Stewart, Montana State Library, 1515 East 6th Ave., P.O. Box 201800, Helena, MT 59620-1800, faxed to the Library at (406) 444-0266, emailed to jstewart2@mt.gov or may be made by completing a request form at any rules hearing held by the agency.

11. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

By: /s/ Donald Allen
State Library Commission
Donald Allen, Chairperson

By: /s/ Darlene Staffeldt
Darlene Staffeldt, State Librarian
Rule Reviewer
Montana State Library

Certified to the Secretary of State December 12, 2005.